

EXHIBIT D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHRISTOPHER OTEY, ON BEHALF
OF HIMSELF AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

CROWDFLOWER, INC., LUKAS
BIEWALD, AND CHRIS VAN PELT,

Defendants.

No. C 12-5524 CRB

DEPOSITION OF CHRISTOPHER OTEY
San Francisco, California
Wednesday, May 22, 2013

Reported by:
DIANE DEARMORE
CSR No. 12736
Job No. 1604829

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<p>1 Q. And why did you leave Wilshire?</p> <p>2 A. I was let go from Wilshire.</p> <p>3 Q. Why were you let go from Wilshire?</p> <p>4 A. I was let go because I guess me and another</p> <p>5 employee talked too much.</p> <p>6 Q. And where was Wilshire?</p> <p>7 A. It was in downtown Portland.</p> <p>8 Q. And what was your next employment?</p> <p>9 A. After that I worked for Wells Fargo Financial.</p> <p>10 Q. How long were you with Wells Fargo?</p> <p>11 A. I was with them for about three years.</p> <p>12 Q. And what was your position?</p> <p>13 A. I was a collector, and then a manager.</p> <p>14 Q. How long were you a collector?</p> <p>15 A. I was a collector for two years.</p> <p>16 Q. Okay. And how long were you a manager?</p> <p>17 A. For a year.</p> <p>18 Q. And what did you manage?</p> <p>19 A. I managed like 10 or 12 collectors.</p> <p>20 Q. Okay. And why did you leave Wells Fargo?</p> <p>21 A. I was let go from Wells Fargo Financial.</p> <p>22 Q. Why?</p> <p>23 A. Because of a -- because of a person that I was</p> <p>24 dating that also worked there. And they got into some</p> <p>25 kind of trouble with management, and they let us both go</p> <p style="text-align: right;">Page 18</p>	<p>1 there.</p> <p>2 And I'm trying to figure out if the list from</p> <p>3 Amazon -- entities that he worked with through another</p> <p>4 source. If there's other channels he's using, we need</p> <p>5 to know about it.</p> <p>6 MR. POTASHNICK: You can answer as far as</p> <p>7 accessing CrowdFlower through Amazon Mechanical Turk,</p> <p>8 but don't answer regarding other companies on-line. Do</p> <p>9 you follow?</p> <p>10 THE WITNESS: Okay. The only work that I've</p> <p>11 done for CrowdFlower, that I'm aware of, is through</p> <p>12 Amazon Mechanical Turk.</p> <p>13 MS. KALK: And I need to make the record</p> <p>14 clear. We're entitled to this information. And if we</p> <p>15 need to, we will ask that you come back and answer these</p> <p>16 questions, and it will be at your expense. I think what</p> <p>17 the magistrate judge says -- I think she's wrong. I'll</p> <p>18 ask it. You can give your direction.</p> <p>19 Q. (By Ms. Kalk) Mr. Otey, have you done any</p> <p>20 work for any entities on-line through Amazon Mechanical</p> <p>21 Turk?</p> <p>22 MR. POTASHNICK: Don't answer that.</p> <p>23 Q. (By Ms. Kalk) And do you understand, per your</p> <p>24 attorney's instruction, that I may ask for you to come</p> <p>25 back?</p> <p style="text-align: right;">Page 20</p>
<p>1 since I had made my involvement with this person --</p> <p>2 Q. Okay.</p> <p>3 A. -- or whatever the right term is.</p> <p>4 Q. And then after Wells Fargo, what was your next</p> <p>5 job?</p> <p>6 A. The only work that I've done since Wells Fargo</p> <p>7 Financial is Amazon Mechanical Turk.</p> <p>8 Q. Have you done any on-line business at Amazon</p> <p>9 Mechanical Turk?</p> <p>10 MR. POTASHNICK: Let me object that that goes</p> <p>11 beyond the scope of permissible discovery pursuant to</p> <p>12 the court's prior order. Don't answer that.</p> <p>13 MS. KALK: Are you instructing him not to</p> <p>14 answer questions regarding other work or other channels</p> <p>15 he might have used?</p> <p>16 MR. POTASHNICK: Other work that he's done</p> <p>17 on-line for other companies.</p> <p>18 Q. (By Ms. Kalk) Have you used any channels,</p> <p>19 other than Amazon Mechanical Turk, for the same</p> <p>20 providers for whom you did with Amazon Mechanical Turk?</p> <p>21 MR. POTASHNICK: I'm going to object. That is</p> <p>22 unclear. What do you mean by providers?</p> <p>23 MS. KALK: If you look at Amazon Mechanical</p> <p>24 Turk's contract, the one that he agreed to, they talk</p> <p>25 about providers and people that put task requests out</p> <p style="text-align: right;">Page 19</p>	<p>1 A. Yes.</p> <p>2 Q. Tell me when you started working through</p> <p>3 Amazon Mechanical Turk.</p> <p>4 A. I don't remember, but it was around September</p> <p>5 2010.</p> <p>6 Q. When did you leave Wells Fargo?</p> <p>7 A. I think it was around 2006.</p> <p>8 Q. Okay. What did you do in the four years in</p> <p>9 between?</p> <p>10 A. Spent a lot of time with my father, and then I</p> <p>11 also went to school.</p> <p>12 Q. Where did you go to school those four years?</p> <p>13 A. I went to school for a year or so at Portland</p> <p>14 Community College.</p> <p>15 Q. That's the one you told me about earlier?</p> <p>16 A. Correct.</p> <p>17 Q. And for the other three years?</p> <p>18 A. Was mostly spending time with my dad.</p> <p>19 Q. And you weren't employed in any capacity in</p> <p>20 that three-year period?</p> <p>21 A. I was not.</p> <p>22 Q. Did you earn any income during that three-year</p> <p>23 period?</p> <p>24 A. No.</p> <p>25 Q. Were you getting unemployment some portion of</p> <p style="text-align: right;">Page 21</p>

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<p>1 Q. You didn't know one way or the other where 2 they came from?</p> <p>3 A. I didn't know anything about the DIY.</p> <p>4 Q. You never signed any kind of contract with 5 CrowdFlower, did you?</p> <p>6 MR. POTASHNICK: I'm going to object to the 7 extent it calls for a legal conclusion. But try your 8 best.</p> <p>9 A. Can you repeat the question?</p> <p>10 Q. (By Ms. Kalk) Did you ever sign a contract 11 with CrowdFlower?</p> <p>12 A. No, I never signed a contract.</p> <p>13 Q. Did you ever receive an offer letter?</p> <p>14 A. No.</p> <p>15 Q. Did you ever get any kind of code of conduct 16 or terms and conditions of employment?</p> <p>17 A. Terms and conditions? I have seen 18 CrowdFlower's terms and conditions, I believe.</p> <p>19 Q. Were you ever provided copies of terms and 20 conditions of employment?</p> <p>21 A. Not that I can recall at this time.</p> <p>22 Q. Okay. And am I correct that you never 23 identified a task to perform through CrowdFlower's web 24 site? You always went through Amazon Mechanical Turk, 25 right?</p> <p style="text-align: right;">Page 114</p>	<p>1 A. No.</p> <p>2 Q. Ira?</p> <p>3 A. No.</p> <p>4 Q. Jennifer Connor?</p> <p>5 A. No.</p> <p>6 Q. Was it any of the lawyers currently 7 representing you?</p> <p>8 A. No.</p> <p>9 Q. When did you first speak -- and, again, I 10 don't want the context of the conversation, just the 11 date. When did you first speak to one of the lawyers 12 that is currently representing you in this lawsuit?</p> <p>13 A. I don't know the exact date at this time, but 14 I would -- best guess is either late August or September 15 2012.</p> <p>16 Q. Prior to filing this lawsuit, did you review 17 the complaint?</p> <p>18 MR. POTASHNICK: Do you know what a complaint 19 is?</p> <p>20 THE WITNESS: Could I get a little more of an 21 explanation?</p> <p>22 Q. (By Ms. Kalk) The pleading that was filed to 23 start the lawsuit, the document that started this 24 lawsuit, did you review it, before filing, for accuracy? 25 A. Yes.</p> <p style="text-align: right;">Page 116</p>
<p>1 A. That I'm aware of at this time, yes.</p> <p>2 Q. Did you ever even visit CrowdFlower's web site 3 before going to Amazon Mechanical Turk?</p> <p>4 A. I don't recall doing so, no.</p> <p>5 Q. When is the first time that you spoke to a 6 lawyer about suing CrowdFlower?</p> <p>7 MR. POTASHNICK: Don't --</p> <p>8 MS. KALK: I don't want the context. Just the 9 date.</p> <p>10 MR. POTASHNICK: -- go into what was 11 discussed.</p> <p>12 Q. (By Ms. Kalk) Yeah. I just want the date.</p> <p>13 A. I don't know the exact date today, but I would 14 assume it's in the summer of 2012.</p> <p>15 Q. And which lawyer was that?</p> <p>16 A. I don't recall the name at this time.</p> <p>17 Q. Was it Mr. Potashnick?</p> <p>18 A. I did speak with Mr. Potashnick at one point.</p> <p>19 Q. Was he the first lawyer you spoke to about 20 filing this lawsuit? Again, I don't want the context. 21 I just want to understand the first lawyer who you 22 talked to was.</p> <p>23 A. He wasn't the first, no. I don't know the 24 first person's name.</p> <p>25 Q. Was it Ellen Doyle?</p> <p style="text-align: right;">Page 115</p>	<p>1 Q. And did you review the documents before they 2 were filed in this lawsuit?</p> <p>3 A. Yes.</p> <p>4 Q. Were they accurate?</p> <p>5 A. To the best of my knowledge, yes.</p> <p>6 MR. POTASHNICK: I have 12:15. When is a good 7 time for lunch?</p> <p>8 MS. KALK: We can go whenever. This is as 9 good a time to break as any.</p> <p>10 MR. POTASHNICK: All right.</p> <p>11 (Lunch recess.)</p> <p>12 Q. (By Ms. Kalk) Mr. Otey, during our break for 13 lunch, did you talk with anyone about the substance of 14 your testimony today?</p> <p>15 MR. POTASHNICK: Other than an attorney?</p> <p>16 Q. (By Ms. Kalk) Including an attorney if it was 17 about the substance. You're not allowed to talk about 18 the substance once the deposition starts. The rules do 19 not allow you to talk about the substance of the 20 testimony once the deposition starts.</p> <p>21 If you were to talk about "don't talk so 22 much," I don't care. Have you talked to anyone about 23 the substance of your answers during any of your breaks 24 today?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 117</p>

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<p>1 yes and no.</p> <p>2 Q. Have you ever been employed by Amazon</p> <p>3 Mechanical Turk in the position entitled data entry</p> <p>4 professional?</p> <p>5 A. Amazon Mechanical Turk has never labeled me a</p> <p>6 data entry professional.</p> <p>7 Q. Okay. Now, this was printed out on February</p> <p>8 5th of 2013. Are you still holding yourself out as a</p> <p>9 data entry professional at MTurk on your LinkedIn page?</p> <p>10 A. I haven't changed my LinkedIn, that I'm aware</p> <p>11 of.</p> <p>12 Q. Tell me why you put that out on the internet</p> <p>13 as fact -- if you have never been employed as a data</p> <p>14 entry professional, that you put that out on the</p> <p>15 internet as fact.</p> <p>16 A. Well, I put it out there stating that I do</p> <p>17 work in Amazon Mechanical Turk, and the best way I could</p> <p>18 describe the title that I would have held would be a</p> <p>19 data entry professional. So I kind of see it as a</p> <p>20 description of the work.</p> <p>21 Q. Would you agree with me it could be seen as</p> <p>22 misleading?</p> <p>23 A. Not if people know what Mturk.com is, because</p> <p>24 in this reference I'm saying Mturk.com, not Amazon</p> <p>25 Mechanical Turk.</p> <p style="text-align: right;">Page 210</p>	<p>1 MR. POTASHNICK: Your client is acting</p> <p>2 inappropriately. Let's get that for the record.</p> <p>3 MS. KALK: You're making a record of something</p> <p>4 that doesn't exist. Let's move on.</p> <p>5 Q. (By Ms. Kalk) Can you answer my question?</p> <p>6 A. Letter "f"?</p> <p>7 Q. Yeah.</p> <p>8 A. Anything with the Amazon Mechanical Turk</p> <p>9 Participation Agreement, as well as letter "f," I need</p> <p>10 to speak with an attorney in regards to.</p> <p>11 Q. Let me ask you this. Did you use Amazon</p> <p>12 Mechanical Turk's website to perform services from</p> <p>13 various task requesters?</p> <p>14 MR. POTASHNICK: And same objection as I've</p> <p>15 made all day. To the extent that it calls for</p> <p>16 information about other task requesters other than</p> <p>17 CrowdFlower, don't answer that.</p> <p>18 Q. (By Ms. Kalk) I will make it really easy.</p> <p>19 Did you use Amazon Mechanical Turk to perform services</p> <p>20 for CrowdFlower?</p> <p>21 MR. POTASHNICK: Objection. Asked and</p> <p>22 answered several times today.</p> <p>23 A. All of the work that I did for CrowdFlower was</p> <p>24 on Amazon Mechanical Turk, to my knowledge at this time.</p> <p>25 Q. (By Ms. Kalk) And so you provided services</p> <p style="text-align: right;">Page 212</p>
<p>1 Q. Let's go back. Earlier we were looking at the</p> <p>2 Amazon Mechanical Turk assignment when you accepted and</p> <p>3 began doing work with them.</p> <p>4 A. Okay.</p> <p>5 Q. It's in your exhibits. It's Exhibit 1, I</p> <p>6 think. It must have been the very first one. There you</p> <p>7 go. Look at the very front page of that one for a</p> <p>8 moment. Second paragraph, subpart "f" where it starts</p> <p>9 with the bolded word Provider. See where it says that?</p> <p>10 A. Provider, yes.</p> <p>11 Q. It says, Means you, if you use the site to</p> <p>12 perform services for a requester. Would you agree with</p> <p>13 me that under this particular participation agreement,</p> <p>14 you would be defined as a provider?</p> <p>15 MR. POTASHNICK: Objection. Calls for a legal</p> <p>16 conclusion.</p> <p>17 Q. (By Ms. Kalk) You can answer.</p> <p>18 MR. POTASHNICK: Objection. Could you ask</p> <p>19 Mr. Arnold to quit smirking and laughing at stuff? It's</p> <p>20 distracting.</p> <p>21 MS. KALK: I believe one comment is not</p> <p>22 distracting.</p> <p>23 MR. POTASHNICK: Well, it's about the third</p> <p>24 one in the last half hour.</p> <p>25 MS. KALK: It doesn't seem to bother Mr. Otey.</p> <p style="text-align: right;">Page 211</p>	<p>1 through Amazon Mechanical Turk to CrowdFlower, correct?</p> <p>2 A. Right, right. As services -- I worked for</p> <p>3 CrowdFlower through Amazon Mechanical Turk.</p> <p>4 Q. Why didn't you write yourself as a provider on</p> <p>5 LinkedIn at Amazon Mechanical Turk instead of as a data</p> <p>6 entry professional?</p> <p>7 A. Well, I used the data entry professional just</p> <p>8 as an introduction of what I was doing.</p> <p>9 Q. Didn't you tell me earlier you did a lot of</p> <p>10 surveying and opened one-time HITs on different tasks?</p> <p>11 MR. POTASHNICK: Objection. You're talking</p> <p>12 about other requesters?</p> <p>13 MS. KALK: I'm talking about the veracity of</p> <p>14 his statements here that he went on the internet and</p> <p>15 lied about what he did.</p> <p>16 MR. POTASHNICK: That's offensive. Let's put</p> <p>17 that on the record.</p> <p>18 MS. KALK: I did put it on the record.</p> <p>19 MR. POTASHNICK: That's inappropriate to treat</p> <p>20 the witness like that.</p> <p>21 MS. KALK: Say what you will.</p> <p>22 Q. (By Ms. Kalk) You said you did other tasks,</p> <p>23 like photo moderation. There were plenty of other tasks</p> <p>24 that you did, correct?</p> <p>25 MR. POTASHNICK: Don't answer for others.</p> <p style="text-align: right;">Page 213</p>

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